

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:12-CV-257-FL

CARLOS A. ALFORD,

Plaintiff,

v.

VERIZON WIRELESS, INC. et al.,

Defendants.

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ORDER

This matter comes before the court for review of plaintiff's *pro se* complaint pursuant to 28 U.S.C. § 1915A. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate William A. Webb entered a memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein he recommends that the court dismiss plaintiffs' complaint as frivolous (DE # 8). Plaintiff has filed no objections to the M&R,¹ and the time within which to make any objection has expired. In this posture, the matter is ripe for ruling.

Plaintiffs' motion is before the court with benefit of the magistrate judge's analysis. Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only

¹Plaintiff has filed three amendments to his complaint (DE #s 10, 11, and 12) and a motion for summary judgment (DE #13) since the M&R was issued. These amendments and motion have been reviewed by this court and they do not change the analysis or outcome of the frivolity review of plaintiff's lawsuit. They suffer from the same flaws as the original complaint.

for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends that plaintiff's complaint be dismissed for failure to state a claim upon which relief may be granted. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiffs' complaint is DISMISSED as frivolous. Where the original complaint is dismissed as frivolous, and plaintiff's subsequent filings suffer from the same flaws as the original complaint, these subsequent filings (DE #s10, 11, 12, and13) also are DISMISSED as frivolous. The clerk of court is directed to close the case.

SO ORDERED, this the 23rd day of October, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
United States District Court Judge